

1 Rule 53. Appearance and withdrawal of counsel.

2 (a) Appearance. An attorney shall appear in proceedings by filing a written notice of  
3 appearance with the court or by appearing personally at a court hearing and advising the court  
4 that he is representing a party. Once an attorney has entered an appearance in a proceeding, the  
5 attorney shall receive copies of all notices served on the parties.

6 (b) Withdrawal.

7 (b)(1) Retained Counsel. Consistent with the Rules of Professional Conduct, a retained  
8 attorney may withdraw as counsel of record unless withdrawal may result in a delay of trial or  
9 unless a final appealable order has been entered. In such circumstances, a retained attorney may  
10 not withdraw except upon written motion and approval of the court.

11 (b)(2) Court-appointed counsel. Court-appointed counsel may not withdraw as counsel of  
12 record except upon motion and signed order of the court. If the court grants appointed counsel's  
13 motion to withdraw, the court shall promptly appoint new counsel.

14 (b)(3) If a motion to withdraw is filed after entry by the court of a final appealable judgment,  
15 order, or decree, the motion may not be granted unless counsel, whether retained or court-  
16 appointed, certifies in a written statement: ~~(a) that the represented party in a delinquency~~  
17 ~~proceeding has been advised of the availability of a motion for new trial or a certificate of~~  
18 ~~probable cause and that, if appropriate, the same has been filed; and (b) that the represented party~~  
19 ~~has been advised of the right to appeal and that, if appropriate, a Notice of Appeal and a Request~~  
20 ~~for Transcript have been filed.~~

21 (b)(3)(A) that the represented party has been advised of the right to appeal and that, if  
22 appropriate, a Notice of Appeal and a Request for Transcript have been filed; and

23 (b)(3)(B) that the represented party in a delinquency proceeding has been advised of the  
24 availability of a motion for new trial or motion for stay pending appeal and that, if appropriate,  
25 the same has been filed.

26 (b)(4) The juvenile court may not allow trial counsel to withdraw from an appeal in a child  
27 welfare proceeding, as defined by Utah Rule of Appellate Procedure 1(f) absent a showing of  
28 extraordinary circumstances. Claims of ineffective assistance of counsel do not constitute  
29 extraordinary circumstances but should be raised by trial counsel in the petition on appeal.

30 (b)(4) When an attorney withdraws as counsel of record, written notice of the withdrawal  
31 must be served upon the client of the withdrawing attorney by first class mail, to his or her last

known address and upon all other parties not in default and a certificate of service must be filed with the court. If a trial date has been set, the notice of withdrawal served upon the client shall include a notification of the trial date.

(b)(5) A guardian ad litem may not withdraw except upon ~~written motion and~~ approval of the court.